

LF 9013 (06/05)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re)	Case No: 09-06787-PCW7
)	
Tom Ellis)	REQUEST FOR ENTRY OF
Debtor.)	ORDER APPROVING AGREED ORDER
)	

COMES NOW the undersigned and based on the following representations made under penalty of perjury and cited documents requests that the court grant the Motion or Application filed on behalf of U.S. Bank N.A., Successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey Savings and Loan Association, F.A. on April 23, 2010 as Docket #41 for Motion for Relief from Stay as to real property located at 131 North Emerson Avenue, Wenatchee, Washington 98801, 11 U.S.C §. 362(d)

- A. ☒ as an ex parte order where either no notice was required or when there are no pending objections following notice and hearing, as noted below; or
- B. ☐ in anticipation of a hearing scheduled on ____ before Judge Patricia C. Williams and that was specifically requested by the Court or required by Local Rule to be submitted; or
- C. ☐ as a result of an actual hearing held on ____ before Judge Patricia C. Williams and that was specifically requested by the Court to be submitted.

Notice (Docket #43) :

<u>April 23, 2010</u>	Date Notice was mailed
<u>14 days</u>	Number of Days Required by Related Rule for the Filing of Objections
<u>14 days</u>	Number of Days Given in notice for the Filing of Objections

(not including three (3) additional days required to be given by FRBP 9006 if notice was by mail)

Certificate of Mailing: (Docket #44, 45) or ☐ Notice Not Required for this Matter

- ☒ The Master Mailing List (MML) used and attached to the Certificate of Mailing was retrieved from the data base of the court on April 23, 2010;
- ☐ Notice was not required to be given to the Master Mailing List (MML), but notice was given to the parties noted on the Certificate of Mailing;
- ☐ This is a contested matter and service pursuant to FRBP 7004 was made upon the affected parties as noted in the Certificate of Mailing;

Objections:

- ☒ There are no pending objections *(either there were no objections, any objections have been withdrawn or the proposed order is endorsed by all objecting parties.)*

Related Items:

(Docket #) _____

(Docket #) _____

(Docket #) _____

Dated this 20th day of May 2010.

/s/ Melissa Williams Romeo

(Signature of Attorney)

Name: Melissa Williams Romeo, WSBA #40644

Phone Number: (425) 457-7270

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Honorable Judge Patricia C. Williams
 Chapter 7

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF WASHINGTON
 AT SPOKANE

In re:

Tom Ellis

Chapter 7 Bankruptcy

No.: 09-06787-PCW7

Debtor.

**AGREED ORDER GRANTING RELIEF FROM
 STAY AS TO U.S. BANK N.A., SUCCESSOR IN
 INTEREST TO THE FEDERAL DEPOSIT
 INSURANCE CORPORATION AS RECEIVER
 FOR DOWNEY SAVINGS AND LOAN
 ASSOCIATION, F.A..**

THIS MATTER came before the court upon U.S. Bank N.A., Successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey Savings and Loan Association, F.A.'s motion for relief from stay. The Court considered the motion and any opposition thereto and the matters on record. It appears that the parties have stipulated to relief from stay to allow enforcement of the deed of trust that is the subject of U.S. Bank N.A., Successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey Savings and Loan Association, F.A.'s motion and further as to the property located at 131 North Emerson Avenue, Wenatchee, WA ("Property") and legally described as set forth in the Deed of Trust attached to the motion for relief, in accordance with the terms below. It is the understanding of the parties hereto that U.S. Bank N.A., Successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey Savings and Loan Association, F.A. has not initiated foreclosure proceedings at this time.

IT IS THEREFORE ORDERED that pursuant to 11 U.S.C. § 362(d), the automatic stay is terminated effective August 12, 2010 unless the trustee has provided to U.S. Bank N.A., Successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey Savings and Loan Association, F.A.'s attorney a signed purchase and sale agreement which provides for

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1 payment in full to U.S. Bank N.A., Successor in interest to the Federal Deposit Insurance Corporation
 2 as receiver for Downey Savings and Loan Association, F.A. If a signed agreement is provided to U.S.
 3 Bank N.A., Successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey
 4 Savings and Loan Association, F.A.'s attorney, the stay will be terminated effective September 12,
 5 2010 unless the Chapter 7 Trustee has closed and funded the sale with payment in full to U.S. Bank
 6 N.A., Successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey
 Savings and Loan Association, F.A.

7 If a signed purchase and sale agreement is not provided or a closed and funded sale does not
 8 occur by the dates indicated herein, U.S. Bank N.A., Successor in interest to the Federal Deposit
 9 Insurance Corporation as receiver for Downey Savings and Loan Association, F.A., shall have relief
 10 from stay on the effective dates indicated so that it may pursue its state remedies to enforce its security
 11 interest in the Property and/or as to the enforcement of the deed of trust that is the subject of U.S. Bank
 12 N.A., Successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey
 13 Savings and Loan Association, F.A.'s motion. It is also ordered that the terms of the Note and Deed of
 14 Trust shall control as to assessment of any reasonable fee associated with the Motion for Relief. If is
 15 further ordered that the order shall be effective immediately notwithstanding the provisions of F.R.B.P.
 16 4001(a)(3) and that the order shall be effective as to any chapter under which the present case may be
 converted absent further order of this court.

17 Dated this ____ day of _____, 2010.

18
 19
 20 U.S. Bankruptcy Judge Patricia C. Williams

21 Approved as to form;

22 Notice of Presentation Waived:

23 *Earl & Earl Inc. P.S.*

24 *Jeffrey B. Earl Attorney for*
 Chapter 7 Trustee *WSBA #12501*

Presented by:

Melissa Williams Romeo

Melissa Williams Romeo, WSBA# 40644
 Attorneys for Creditor

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